

## **REMARKS**

Claims 33-64 are now in the application. The allowance of claims 33-62 is hereby noted with appreciation.

Claims 63 and 64 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,696,536 to Grubbs et al. Attached to this response are verified English translations of the Japanese priority applications. The filing dates of the Japanese priority applications are all prior to March 18, 1999, which is the provisional application from which Grubb et al ultimately claims priority and represents the earliest possible date to which Grubb et al could be entitled. The filing of the verified English translations of the Japanese priority applications is not to be construed as an admission, estoppel or acquiescence concerning the above rejection of the claims. See *Greenwood v. Hattari Seiko Co. Ltd.* 140 USPQ 1474, 1475-1476 (Fed. Cir 1990).

In view of the verified English translations of the Japanese priority applications, the basis for the rejection of claims 63 and 64 is eliminated. See, for example, *In re Stempel*, 113 USPQ 77 (CCPA 1965).

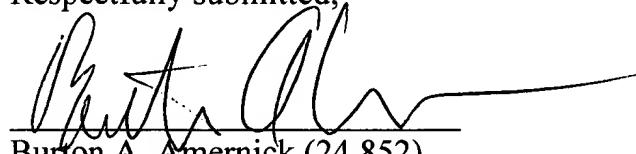
In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

Date: 9-1-04

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Burton A. Amernick', written over a horizontal line.

Burton A. Amernick (24,852)

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